



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 11, 2003
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Late Arrival: Paul Joseph Escobar arrived at 9:20 a.m. Absent: None. Meeting was called to order and the invocation was given by Police Chaplain Clift Barnes followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

MAYOR'S PROCLAMATIONS

1. National Nutrition Month
2. Women's Month
3. Girl Scout Week
4. Nine Honorary Citizens
5. David Mills and Hector Serrano Conquistador Awards

No action was taken regarding: "I would like to speak to City Council concerning problems I have encountered with a City inspector". [Concha R. Baca]

Ms. Concha R. Baca, citizen, expressed her concerns regarding her mobile home and commented that she feels a city inspector is harassing her.

Representative Sariñana commented on a court order already in place ordering Ms. Baca to move the mobile home and mentioned that there is not much he can do.

No action was taken regarding: "Wellness for Youth, Inc. would like to be given the opportunity to present the Youth Centers (for all children and youth) Proposal to City officials". [Maria Montes]

Ms. Maria Montes, representing Wellness for Youth, requested that the City provide youth centers for all children and youth in the City of El Paso.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 9:50 a.m.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconvene to City Council Meeting from Mass Transit Board Meeting at 9:59 a.m.

WHEREAS, the Borderland Tradeshow-El Paso 2003 has invited the El Paso International Airport and Foreign Trade Zone No. 68 to participate in the trade show scheduled for March 18 and 19, 2003 at the El Paso Convention Center; and

WHEREAS, this trade show offers an opportunity to showcase the new air cargo facilities at the Airport and Foreign Trade Zone No. 68 at no cost to the City.

That the Mayor be authorized to accept, on behalf of the El Paso International Airport and Foreign Trade Zone No. 68, the donation of a 10' x 10' exhibit booth, valued at \$2,300.00, at the Borderland Tradeshow-El Paso 2003 scheduled for March 18 and 19, 2003 at the El Paso Convention Center and that the Director of Aviation be authorized to sign the contract for exhibit space.

RESOLUTION

That the Mayor be authorized to execute a Donation Agreement between the City of El Paso, on behalf of the Parks and Recreation Department, and Red Bull North America, regarding the donation of a specially designed "Skatecar," which will be utilized as a ramp feature at the Skatepark at Dick Shinaut Park. The value of the Skatecar is approximately \$3,500.00.

Representative Escobar was not present for the vote.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement For the Use of the State and Local Overtime and Authorized Expense Program between the City of El Paso and the Federal Bureau of Investigation (FBI) relating to a special joint law enforcement task force from November 8, 2002 through September 30, 2003, whereby the Police Department will work with the FBI's task force and receive reimbursement for approved overtime costs.

***RESOLUTION**

WHEREAS, the Police Department canine, "Kevin," is six years old and without a handler; and

WHEREAS, "Kevin" has no value to the City to be sold or traded as a working police canine; and

WHEREAS, transferring "Kevin" back to his original handler at the Alabama Department of Corrections is in the best interests of "Kevin" and allows the Police Department to dispose of the dog without facing the possibility that he would have to be destroyed; and

WHEREAS, the transfer shall be at no cost to the City and the new handler shall assume all responsibility and risk of liability associated with the transfer and keeping of "Kevin."

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the transfer of the Police Department canine, "Kevin," back to his original handler at the Alabama Department of Corrections, is hereby approved and ratified.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Liens whereby the City releases its liens in the amounts of ONE THOUSAND TWO HUNDRED NINETY AND 01/100THS DOLLARS (\$1,290.01), plus costs, interest and attorney's fees, and ONE HUNDRED TWENTY-SEVEN AND 74/100THS DOLLARS (\$127.74), plus interest, for consideration paid to the City in full satisfaction of said liens against the following described real property:

The South ½ of Tract 41 of SUNRISE ACRES NO. 2, El Paso County, Texas;
also known and numbered as 4875 Titanic Avenue, El Paso, Texas 79904.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Aircraft Landing Agreement by and between the CITY OF EL PASO and DAT Productions, Inc., a subsidiary of 20th Century Fox Corporation, to have a U. S. Army National Guard Pilot land a helicopter in connection with filming a movie in El Paso. The landing will take place on Saturday, April 5, 2003, on the traffic island at the intersection of Main, Sunbowl Drive and Yandell.

See discussion for Ordinance 15373.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

NOTE: This item was considered together with Ordinance 15373.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign letters of support for grant applications that the City of Socorro, Texas is submitting to the Texas Department of Housing and Community Affairs (TDHCA) for the Homebuyers Assistance Program and the Owner-Occupied Assistance Program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to the Fiscal Year 2002 Emergency Shelter Grant (ESG) Contract between the City of El Paso and **Project Vida**. The Amendment will allow for a transfer of \$1,216.00 between budget line items to facilitate the timely expenditure of grant funds. The Contract amount of \$29,649 and the Contract termination date of August 31, 2003 remain unchanged. **The project account number is 71150033-G7128ES0008-09540**

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an "Outlay Report and Request for Reimbursement for Construction Programs" form whereby the City is closing out a U.S. Economic Development Administration (EDA) grant of \$1,200,000 that was used to acquire and renovate the Entrepreneurial Incubator and Training Center of La Mujer Obrera aka Centro Del Obrero Fronterizo, Inc., at 2000 Texas Ave.

Representative Sumrall commented.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution

NOTE: Resolution was revised to read "\$1,200,000".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Review Appraisal Services in an amount not to exceed Two Hundred Twenty-Five and No/10ths Dollars (\$225.00) between the City of El Paso and Empire Appraisal Service for the review appraisal of the following parcel in partial fulfillment of the San Juan Parking Lot acquisition project, a 27th Year (2001-2002) Community Development Project:

Lots 25 and 26, Block 8, HUGHES SUBDIVISION OF BLOCK 2 OF ALAMEDA ACRES, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 13, Page 16, Real Property Records, El Paso County, Texas.

(Funding is available in 27th Year Community Development Program funds, Account No. G7127CD0020)

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting a Temporary Overhead Electrical Easement to the El Paso Electric Company in Tract 3C, Block 1, Ascarate Grant, El Paso County, El Paso, Texas for a maximum duration of one (1) year.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **City of El Paso** and **Brock and Bustillos, Inc.**, for a project known as **"Retrofitting of Municipal Separate Storm Sewer System for Water Quality – Phase II"** for an amount not to exceed NINE THOUSAND NINE HUNDRED EIGHTY-SEVEN DOLLARS and NO/100 DOLLARS (9,987.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **City of El Paso** and **Parkhill, Smith & Cooper Inc.**, for a project known as **"Northeast Regional Park – Master Plan"** for an amount not to exceed EIGHTY NINE THOUSAND FOUR HUNDRED EIGHTY-SEVEN and NO/100 DOLLARS (\$89,487.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Agreement with the Texas State Library & Archives Commission ("the Commission"), together with related documents, for a grant under the Loan Star Libraries Grant Program (Grant No. 442-03150) in the amount of \$46,651, on behalf of the El Paso Public Library. Funds received under the grant are to be spent on technology, programs, and continuing education at the Library in accordance with the Lone Star Libraries Plan of Action 2003 previously submitted to and approved by the Commission. No matching funds are required. (All Districts.)

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Administrative Service Agreement by and between the City of El Paso, on behalf of the City of El Paso Employee Deferred Compensation Plan, ING Life Insurance and Annuity Company and ING Financial Advisors, LLC, to provide administrative services of the City sponsored 457 Deferred Compensation Plan.

Representative Sumrall asked questions of Mr. William Chapman, Deputy Chief Administrative Officer/Chief Financial Officer, who gave responses.

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to approve the above Resolution.

NOTE: Resolution was revised.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2002-2003 appropriations to be approved by the City Council and the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51510281, ACCOUNT 501011

1. CONTRACTOR: Kristopher L. Guido, Lifeguard, Step 2
DATES: March 12, 2003 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-170

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Housing Authority of the City of El Paso to provide for utilization of a portion of the City's facilities for Recreational Programming for participants identified by the Housing Authority, subject to the availability of personnel and funding.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Traffic Signal Agreement between the CITY OF EL PASO and the EL PASO INDEPENDENT SCHOOL DISTRICT for the relocation and installation of a school flasher signal located near the site of Kohlberg Elementary School on Resler Drive. There is no cost to the City for this relocation.

Representative Sumrall commented.

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to approve the above Resolution

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with GEO-MARINE, INC. to provide recycling pick up service for a fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 15th day of April, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4473 Eleanor Street, in El Paso, Texas, which property is more particularly described as:

Lot: 48, in Marwood, a Subdivision to the City of El Paso, El Paso County, Texas, according to the Amended Map of the First Section thereof on file in Back of Book 764, Deed Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Fernando Lopez, 10360 Jimenez Lane, El Paso, Texas 79927, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

To All Interested Parties:

*NOTICE

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 8th day of April, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether City Council order of September 12th, 2001 regarding the property at 3118 E. Missouri Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: All of Lot 23, and East 16 Ft. 8" of Lot 24, Block 62, East El Paso Addition, an Addition to the City of El Paso, El Paso County, Texas

has been complied with and if council order has not been complied with to determine penalties.

According to the real property records of the County of El Paso, Texas, Soledad Munoz, 3118 E. Missouri Avenue, El Paso, Texas 79903-4104, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....

*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Jaquez, Miguel – Coach Operator

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #W418-999-0050-0100, \$583.32 per month installments on a balance of \$6,999.84 for 2001 taxes; Roberto & Comishell L. Rodriguez – 672 Rosinante.
- B. PID #V139-999-0030-0200, \$5,247.18 per month installments on a balance of \$62,966.16 for 1999, 2000 & 2001 taxes; Joe W & Farley I Roberts – 1155 Valley Crest.
- C. PID #R860-000-0080-1101, \$352.23 per month installments on a balance of \$4,226.76 for 1999, 2001 & 2002 taxes; Gilberto & Estela Medina – 11430 Roseville.
- D. PID #M095-999-0120-0600 & PID #M095-999-0080-3300, \$283.83 per month installments on a balance of \$3,405.96 for 2002 taxes; Henry & Julia Potter – 475 Borrett St.
- E. PID #M576-999-0280-2600, \$323.00 per month installments on a balance of \$3,876.00 for 1998, 2000 & 2001 taxes; Javier Lepe & 4 – 4337 Buckingham Dr.

.....
*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Adonis & Wanda I Torres in the amount of \$3,821.07, overpayment of 2002 taxes. (PID #C340-999-0170-1700)
- B. Curtis & Melody Whitener in the amount of \$2,158.13, overpayment of 2002 taxes. (PID #C340-999-1020-0100)
- C. GMAC Mortgage in the amount of \$4,049.67, overpayment of 2002 taxes. (PID #C340-999-1410-4000)
- D. Wells Fargo Real Estate Tax Services, LLC in the amount of \$4,050.17, overpayment of 2002 taxes. (PID #I900-999-0010-0500)
- E. Lone Star Title in the amount of \$2,019.01, overpayment of 2002 taxes. (PID #L681-999-0240-9100)
- F. Rocky Mountain Mortgage Co. in the amount of \$1,893.94, overpayment of 2002 taxes. (PID #M771-999-0100-1500)
- G. Bradford Brown in the amount of \$2,322.83, overpayment of 2002 taxes. (PID #M851-999-0910-1000)
- H. Pioneer Bank in the amount of \$1,338.62, overpayment of 2002 taxes. (PID #P080-999-0040-3100)
- I. Lone Star Title Co. in the amount of \$1,723.26, overpayment of 2002 taxes. (PID #P481-999-0240-3100)
- J. Teresa Ramirez in the amount of \$1,483.92, overpayment of 2002 taxes. (PID #P591-999-0060-0100)
- K. Guadalupe & Holly Sanchez in the amount of \$2,264.69, overpayment of 2002 taxes. (PID #P863-999-0160-4510)
- L. Rocky Mountain Mortgage Co. in the amount of \$3,124.97, overpayment of 2002 taxes. (PID #S812-999-0290-0300)
- M. Charles U. Ward in the amount of \$1,652.23, overpayment of 2002 taxes. (PID #S922-999-003B-3050)

- N. Franklin Motors Inc. in the amount of \$9,857.17, overpayment of 2002 taxes.
(PID #T230-999-0060-1600)
- O. Stewart Title in the amount of \$1,540.96, overpayment of 2002 taxes.
(PID #V893-999-4110-3500)
- P. Randi Cabrera in the amount of \$1,801.82, overpayment of 2002 taxes.
(PID #W145-999-0220-0800)
- Q. Leticia R. Trillo in the amount of \$1,803.53, overpayment of 2002 taxes.
(PID #W145-999-0230-1000)
- R. TGK in the amount of \$36,442.83, overpayment of 2002 taxes.
(PID #X241-999-0000-0100)

.....
 *Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue Purchase Order to Energy Absorption Systems, Inc., as they are the sole and exclusive distributor in the state of Texas, provider for all products manufactured and marketed by Energy Absorption Systems. (Contract Number 2003-131)

Department: Street
 Funds available: 32010200-503203
 Funding source: General Fund
 Total amount: \$43,124.00

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2002-213 Olive Avenue Street and Drainage Improvements

Contractor: Rio Grande Valley, Inc.
 El Paso, Texas
 Department: Streets
 Funds Available: 71150069-G7127CD0030-07654-508027
 Funding Source: Community Development 27th Yr
 Items: Base Bid \$172,600.00
 Base Bid IA \$ 1,687.50
 Base Bid II \$ 42,670.70
 Base Bid III \$ 72,876.54
 Total Award: \$289,834.74

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to Rio Grande Valley, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

*Motion made, seconded and unanimously carried to award Bid No. 2003-087 Citywide Residential Street Light Installation

Contractor:	Beltran Electric Contractors Inc.		
	El Paso, Texas		
Department:	Traffic Division		
Funds Available:	71150069/G7127CD0010/11/16/07634/35/12/508027		
Funding Source:	Community Development		
Items:	Base Bid I	Item 1	\$44,999.65
	Base Bid I	Item 2	\$ 4,500.00
Total Award:			\$49,499.65

The Departments of Purchasing, Engineering and Traffic Division recommend the award of this contract to Beltran Electrical Contractors Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to approve the request of El Paso International Church of Christ to use amplification (microphones & speakers) at Album Park on March 16, 2003 from 9:00 a.m. to 4:00 p.m. Approximately 120 persons will take part and 120 spectators are anticipated. PERMIT NO. 03-022

.....
Motion made, seconded and unanimously carried to move to the regular agenda the request of Northeast Civic Leaders Council to hold parade on April 19th, 2003 from 8:30 a.m. to 1:00 p.m. Route: Line up on Diana (northbound) from Railroad intersection north to Hercules; parade to be on northbound Diana Dr. to Northgate Shopping Center. Approximately 2000 persons, 150 vehicles, and 30 animals will take part and 10,000 spectators are anticipated. PERMIT NO. 03-021

Representative Cook explained that other cities utilize the National Guard to police these kinds of events.

Ms. Rita Rodriguez, City Attorney, explained that the National Guard would have to file an application to control the traffic.

Representative Medina commented.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to postpone one (1) week the request of Northeast Civic Leaders Council to hold parade on April 19th, 2003 from 8:30 a.m. to 1:00 p.m. Route: Line up on Diana (northbound) from Railroad intersection north to Hercules; parade to be on northbound Diana Dr. to Northgate Shopping Center. Approximately 2000 persons, 150 vehicles, and 30 animals will take part and 10,000 spectators are anticipated. PERMIT NO. 03-021

.....
*Motion made, seconded and unanimously carried to approve the request of El Paso Police Department to block off 100 S. Davis on March 11, 2003 from 9:00 a.m. to 11:00 a.m. for an educational event/mock accident. Approximately 30 vehicles & 10 animals will take part and 200 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 03-023

No action was taken on the operational report to City Council from the Civic Center.

Terry Todd, Marketing Manager for Southwest Airlines, commented.

Bill Blaziek, General Manager for the El Paso Convention and Visitors Bureau, made a presentation.

.....
ORDINANCE 15371

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1B AND TRACT 2B, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (UPPER VALLEY ROAD NORTH OF ARTCRAFT ROAD) FROM R-F (RANCH-FARM) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall stated that this project would enhance the neighborhood.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15372

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02030, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 1B AND TRACT 2B, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (UPPER VALLEY ROAD NORTH OF ARTCRAFT ROAD) PURSUANT TO SECTION 20.12.040. THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Aauto, Director of the Planning, Research and Development Department, gave the particulars.

Representative Sumrall commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15373

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO DAT PRODUCTIONS, INC., TO PERMIT THE TEMPORARY USE AND CLOSURE OF PORTIONS OF THE PUBLIC RIGHTS-OF-WAY ALONG PAISANO DRIVE; YANDELL DRIVE; MAIN DRIVE; AND SUN BOWL DRIVE FOR THE PURPOSE OF FILMING A MOTION PICTURE FROM MARCH 17, 2003 THROUGH APRIL 11, 2003.**

Representative Sumrall stated how proud she was that the City of El Paso was considered.

Ms. Lisa Turner, citizen, asked traffic questions to which Ms. Sylvia Borunda Firth provided answers.

Representative Escobar asked what the movie is about.

Mr. Kenneth Fix, location manager for movie, explained that the movie is about bad weather.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: This item was taken along with the resolution that the Mayor be authorized to sign an Aircraft Landing Agreement by and between the CITY OF EL PASO and DAT Productions, Inc., a subsidiary of 20th Century Fox Corporation, to have a U. S. Army National Guard Pilot land a helicopter in connection with filming a movie in El Paso. The landing will take place on Saturday, April 5, 2003, on the traffic island at the intersection of Main, Sunbowl Drive and Yandell. (Item 6D of the March 11, 2003 City Council Agenda).

ORDINANCE 15374

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014787, WHICH GRANTED A SPECIAL PRIVILEGE TO KELLER & AZAR JOINT VENTURE, INC., OWNER, AND BOEING NORTH AMERICAN, INC., LESSEE, TO PERMIT THE TEMPORARY USE OF A PORTION OF THREADGILL AVENUE FOR SECURITY PURPOSES, BY EXTENDING THE TERM THROUGH MARCH 16, 2005.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone one (1) week an Ordinance permitting Westside Community Church to use a portion of Frank Delgado Park from 12:00 PM until 4:00 PM on April 19, 2003.

Representative Sumrall questioned about closing the park on Easter Sunday. There being no one present to answer her question, the motion to postponed was requested by her.

Representatives Sariñana and Cobos were not present for the vote.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 9300 Carranza Drive, El Paso, Texas, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Ruben Arroyo, has been notified of the violations at this property.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 634 Casa Grande Place, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Consuelo Luna, 634 Casa Grande Place, has been notified of the violations at this property. The property located at 634 Casa Grande Place has delinquent taxes in the amount of \$7,653.22, as of March 3, 2003.

.....
Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Director of Purchasing requests that Mayor and Council approve a request by the Director of Purchasing to send a notice to El Paso Towing advising them of Termination for Convenience. Contract No. 2000-021 with El Paso Towing for Towing, Storage and Sale of Motor Vehicles for Convenience pursuant to Clause No. 18A of the Contract, an item titled Termination for Convenience, whereby the City reserved the right to terminate the Contract for convenience.

The user Department was notified and a new solicitation would be issued.
Department: El Paso Police Department

.....
RESOLUTION

WHEREAS, thousands of individuals utilizing El Paso’s public streets are eligible to have their vehicles booted for failure to pay delinquent parking citations; and

WHEREAS, these scofflaws account for over \$26 million in uncollected fines and fees to the City; and

WHEREAS, the City will incur increased expenses in sending additional police officers throughout the City to locate and boot the vehicles of these scofflaws; and

WHEREAS, Section 12.85.070A of the El Paso City Code permits City Council to reduce the delinquency fine for parking citations for those violators who pay citations, voluntarily, during a declared amnesty period; and

WHEREAS, it has been determined that such a reduction in the delinquency fine should maximize revenue collection by serving as an incentive for violators to pay,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City does declare an amnesty week effective March 24 through March 30, 2003, and ending at 12:00 midnight on March 30, 2003. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fees reduced to zero, leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily.

Representative Escobar inquired about the amount of money it would generate and if the collection agency gets any money out of this.

Representative Rodriguez asked what number people could call to check if they have citations.

Ms. Richarda Duffy Momsen, Municipal Clerk, gave the particulars and stated that there is \$26 million in outstanding citations. She then invited everyone to take advantage of amnesty week to pay their tickets and provided the Municipal Court's phone number (915-546-2901) for any information. Ms. Momsen responded to Representative Escobar's question by explaining that the collection agency does not get any money for citations paid during an amnesty period based on provisions in the contract.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to approve the above resolution.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on the following candidates for appointment to the Public Service Board as recommended by the Board: Thomas C. Balsiger, Blanca Estela Enriquez, Richard O. Martinez.

.....
Motion made by Representative Escobar, seconded by Representative Sariñana to approve Conditional "B" building permits for Acosta Subdivision based on the finding of public benefit.

Representative Escobar inquired about the hardship finding.

Mr. Bashar Abugalyon, Engineering Department, and the Representative for the applicant, gave the particulars and explained that the property will be used as a daycare.

AYES: Representatives Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos
NAYS: Representative Sumrall

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to direct staff to give a monthly report to Council on the Police & Fire Pension fund issue.

Representative Power gave the past history on this issue.

Representative Sumrall inquired about the board membership and who could serve.

Ms. Rita Rodriguez, City Attorney, gave legal advice.

Mr. Charlie McNabb, Chief Administrative Officer, recommended that the item be discussed in Executive Session.

Representative Cook recommended that Council be informed in public every month rather than forming a working committee.

.....

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting the Humane Society of El Paso to use a portion of Eastwood Album Park from 12:00 pm until 6:00 pm on May 4, 2003.
- B. An Ordinance amending ordinance 8064 (the classification and compensation plan) to revise the class of **ART MUSEUM REGISTRAR**.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **POLICE ADMINISTRATIVE SERVICES MANAGER**.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **POLICE OFFICER**.
- E. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **POLICE TRAINEE**.
- F. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **COURTS ASSISTANT MUNICIPAL CLERK**.
- G. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **SEWAGE LIFT STATION SUPERINTENDENT**.
- H. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **PURCHASING DIRECTOR**.
- I. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **PURCHASING ASSISTANT DIRECTOR**.
- J. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **MUNICIPAL CLERK**.
- K. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV – Parking prohibited during certain hours on certain streets.) Paragraph 12.88.040 (J) (No Parking, 7:00 A.M. to 4:00 P.M.) to include a new location on both sides of Dos Rios Drive, from a point 50 feet west of Chato Villa Drive to Peter Cooper Drive. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- L. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking prohibited at all times on certain streets) to add a new location on the west side of Vista del Oro Drive from a point 340 feet south of the southern curb line of Vista del Sol Drive to a point 400 feet south thereof. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- M. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking prohibited at all times on certain streets) to revise the existing location on Westwind Drive from Belvidere Street to a point 680 feet north thereof, both sides. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- N. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking prohibited at all times on certain streets) to add a new location on the north side of Robinson Avenue, between Campbell Street and Kansas Street. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

- O. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limit of 60 M.P.H. to 45 M.P.H. on IH-10 between Sta.535+00 and Sta.570+00 for the duration of the IH-10 construction project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- P. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limits of 55 M.P.H. to 45 M.P.H. on the frontage roads of IH-10 between Sta.535+00 and Sta.570+00 for the duration of the IH-10 construction project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- Q. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limit of 55 M.P.H. to 45 M.P.H. on Loop 375 between Sta.208+11 and Sta.351+11 for the duration of the Loop 375 construction project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- R. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking prohibited at all times on certain streets) to add a new location on the southwest side of Pellicano Drive from Barranca Drive to a point 185 feet west thereof. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- S. An Ordinance vacating a ten-foot (10') utility easement located within a portion of Lot 36, Block 5, Coronado Oaks Unit Two, City of El Paso, El Paso County, Texas (901 Via De La Paz). Representative: Eric Zuloaga
- T. An Ordinance vacating a ten-foot (10') utility easement located within a portion of Lots 1 & 2, Block 2, Remcon Addition, City of El Paso, El Paso County, Texas. (Chelsea St. and Montana Ave.).
- U. An Ordinance amending Ordinance #15365 which called for a Special Election for the submission of Charter Amendments to be held within the City, making provisions for the conduct of the election and other provisions incident and related to the purpose of that Ordinance, by amending the date of election to November 4, 2003.
- V. An Ordinance creating the Water Conservation Advisory Board.

PUBLIC HEARING WILL BE HELD ON MARCH 25, 2003 FOR ITEMS A – V

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
 Motion made by Representative Sariñana, seconded by Representative Cook and carried to recess the Regular City Council for a break at 11:25 a.m.

AYES: Representatives Rodriguez, Cook, Power, Escobar, Sariñana and Cobos
 NAYS: Representatives Sumrall and Medina

.....
 Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to reconvene the Regular City Council from break at 11:34 a.m.

ADDITION TO THE AGENDA

Item: Drought and Water Emergency Response Management Alternative to Stage 2 proposed by EPWU.
[Jaime Perez]

1st Motion:

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to delete Drought and Water Emergency Response Management Alternative to Stage 2 proposed by EPWU.-
[Jaime Perez]

Representative Escobar was not present for the vote.

Mr. Jaime Perez arrived at the Council meeting and requested that his item be reconsidered in order to make his presentation.

2nd Motion:

Motion made by Representative Sariñana, seconded by Representative Cook and carried to reconsider Drought and Water Emergency Response Management Alternative to Stage 2 proposed by EPWU.
[Jaime Perez]

AYES: Representatives Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: Representative Sumrall

Mr. Jaime Perez presented an alternative to the drought plan Phase II, such as, a 25% reduction across the board for residential consumption, etc.

Representative Sariñana asked Mr. Perez if he had presented this idea to the El Paso Water Utilities.

Mr. Perez replied that he has already sent a copy of his proposal to the El Paso Water Utilities and will be contacting them again in the future with more information.

Representative Sumrall concurred with Mr. Perez's suggestions.

Mr. Allen Serna, citizen, made statements opposing Phase II.

Final Action:

No action was taken on the item on Drought and Water Emergency Response Management Alternative to Stage 2 proposed by EPWU.

.....
*Motion made, seconded and unanimously carried to appoint Alejandro Sanchez to the Foster Grandparent Program Advisory Council by Representative Paul Escobar.

.....
*Motion made, seconded and unanimously carried to appoint Robert McKnight to the Twelve Travelers Review Committee by Representative Jan Sumrall.

.....
*Motion made, seconded and unanimously carried to appoint Maceo C. Dailey, Jr., Ph.D. to the Twelve Travelers Review Committee by Representative Rose Rodriguez.
.....

ORDER

WHEREAS, after providing due notice to the Owner of the hereinafter described property, the City Council of the City of El Paso conducted Public Hearings on January 14th and March 11th, 2003, regarding the property located at 9300 Carranza Drive, more particularly described as:

Lot: 247, Third Section Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in book 2, page 59, plat records of El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owner of said property to secure the Building, remove all junk vehicles from the property, demolish the side carport adjoining the main structure and property line and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated January 14th, 2003, that is on or before February 14th, 2003.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on March 11th, 2003, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Ruben Arroyo, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with

18.52.040, specifically; the Owner failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days after January 14th, 2003 that is, on or before February 14th, 2003; and
 - c. That the Owner has failed to comply with the Order each day from February 14th, 2003 through March 11th, 2003, a total of 25 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$25,000.00.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: \$100.00 a day for each of the 25 days during which the City Council Order of January 14th, 2003 was not complied with; for a total of \$2,500.00.

2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional, and more severe penalties.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Representative Escobar asked if the owner had failed to respond.

Mr. Tom Maguire, Building Permits and Inspections, replied that there was no contact and no progress had been made on cleaning the premises.

Representative Cook asked about the property value and the amount of outstanding taxes.

Mr. Edward Hernandez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP replied that the estimated value on the property is \$52,130; the property is pending a lawsuit; they are currently looking for property owners.

Representative Cook requested that the process be expedited so that back taxes and penalties do not continue to increase or people will not bid on the property.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Order.

Representative Medina was not present for the vote.

ORDER

WHEREAS, after providing due notice to the Owner of the hereinafter described property, the City Council of the City of El Paso conducted Public Hearings on January 14th and March 11th, 2003 regarding the property located at 634 Casa Grande Place, more particularly described as:

Lot: 226, Third Section Singh Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in book 2, page 59, plat records of El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owner of said property to demolish the Building and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated January 14th, 2003, that is on or before February 14th, 2003.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on March 11th, 2003, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Consuelo Luna, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to demolish the Building, and clean the premises of all weeds, trash and debris within 30 days after January 14th, 2003 that is, on or before February 14th, 2003; and
 - c. That the Owner has failed to comply with the Order each day from February 14th, 2003 through March 11th, 2003, a total of 25 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$25,000.00.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: \$100.00 a day for each of the 25 days during which the City Council Order of January 14th, 2003 was not complied with; for a total of \$2,500.00.
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional, and more severe penalties.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Representative Escobar asked if property owners have contacted the City to which Mr. Maguire responded no.

Representative Sumrall requested that the process be expedited.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the above Order.

.....

Motion made by Representative Rodriguez, seconded by Representative Sarifiana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

Discussion and action on the following:

- A. Regarding Contract No. 2000-170 with Karjee Contractors, Inc. (551.071)
- B. Regarding Contract No. 2000-259 with Karjee Contractors, Inc. (551.071)
- C. Lee Boulevard Right of Way Acquisition - TIP Roadway Construction Project (551.072)
- D. Guadalupe Tapia, 01-C-137 (551.071)
- E. Ruben P. Hernandez, 02-C-287 (551.071)
- F. Noemi and Gerardo Candela, Our File No. 03-WCP-001 (551.071)
- G. Jorge Ignacio Montalvo, Our File No. 02-C-019 (551.071)
- H. Jorge Ignacio Montalvo, Our File No. 02-C-113 (551.071)
- I. 300 Revere Street, El Paso, Texas (551.071 & 551.072)
- J. 211 Virginia, El Paso, Texas (551.071 & 551.072)
- K. EEOC Matter - EEOC 361-A1-0781, Burke (551.071)
- L. Attorney consultation and action regarding proposed Sports and Community Venue District. (551.071)
- M. Floyd County vs. Keeter W A Estate & E W Keeter, Cause No. 5198TS, Our File No. 03-S-07 (551.071)
- N. Union Pacific, 03-C-057 (551.071)

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to adjourn the Executive Session at 12:04 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Escobar, Sariñana, Cobos and Mayor Raymond C. Caballero left the meeting during Executive Session.

Motion made Representative Medina, seconded by Representative Sumrall and carried that the settlement reached between the City of El Paso and Evergreen National Indemnity Company, as related to the “Fire Station No. 9 Addition and Renovation Project” and Karjee Construction Inc., be **ACCEPTED**, by the City, in its entirety as recommended by the City Attorney’s Office; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the settlement reached between the City of El Paso and Evergreen National Indemnity Company, as related to the "Pave Real Recreation Center Basement Upgrade Project" and Karjee Construction Inc., be **ACCEPTED**, by the City, in its entirety as recommended by the City Attorney's Office; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Power and carried that the City's agent and City Attorney be authorized to negotiate a counteroffer from the property owner for right of way acquisition of Lee Boulevard for Parcel 35, as recommended by the City Attorney, and that the Mayor and City Attorney be authorized sign any related documents.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **Guadalupe Tapia**; Our **File No. 01-C-137** be **DENIED** as recommended by the City Attorney.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Sumrall and carried that the claim entitled **Ruben P. Hernandez**; Our **File No. 02-C-287** be **DENIED** as recommended by the City Attorney.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to delete Executive Session item on Noemi and Gerardo Candela, Our File No. 03-WCP-001 (551.071)

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **JORGE IGNACIO MONTALVO**, Our **File No. 02-C-019** be **DENIED** as recommended by the City Attorney.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **JORGE IGNACIO MONTALVO**, Our **File No. 02-C-113** be **DENIED** as recommended by the City Attorney.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney or her designee be authorized to negotiate, on behalf of the City of el Paso, for the purchase of the property municipally known and numbered as 300 Revere Street, El Paso, El Paso County, Texas.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney or her designee be authorized to negotiate, on behalf of the City of El Paso, for the purchase of the property municipally known and numbered as 211 Virginia, El Paso, El Paso County, Texas.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried, that the City declines to enter into the Conciliation Agreement as proposed by the Equal Employment Opportunity Commission on behalf of **ISABEL BURKE EEOC #361-A1-0781**, as recommended by the City Attorney.

Representatives Escobar, Sariñana and Cobos were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried to direct the City Attorney to contact the County in reference to the proposed Sports and Community Venue District.

AYES: Representatives Rodriguez, Medina and Cook
NAYS: Representatives Sumrall and Power
NOT PRESENT: Representatives Escobar, Sariñana and Cobos

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office authorize the firm of DELGADO ACOSTA SPENCER LINEBARGER HEARD & PEREZ, LLP to provide representation and pursue protection of the tax judgment regarding the lawsuit entitled *Floyd County vs. Keeter W A Estate & E W Keeter*, Suite No. 5198TS, Our File No. 03-S-07 as recommended by the City Attorney.


Representatives Escobar, Sariñana and Cobos were not present to vote.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorney's Office be authorized to **engage in and participate in mediation and enter into a tolling agreement** in the claim entitled **Union Pacific**; Our File No. 03-C-057.
Representatives Escobar, Sariñana and Cobos were not present to vote.

.....
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn this meeting at 12:14 p.m.

Representatives Escobar, Sariñana and Cobos were not present to vote.

.....
APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk